

# Order

Michigan Supreme Court  
Lansing, Michigan

September 17, 2008

Clifford W. Taylor,  
Chief Justice

136310

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

ROBERT HUNTER and LORIE HUNTER,  
Plaintiffs-Appellees,

v

SC: 136310  
COA: 279862  
Oakland CC: 2006-721234-DC

TAMMY JO HUNTER,  
Defendant-Appellant,

and

JEFFREY HUNTER,  
Defendant.

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On order of the Court, the application for leave to appeal the March 20, 2008 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the standard for parental fitness in *Mason v Simmons*, 267 Mich App 188, 206 (2005), and the courts' application of *Mason* here, violate a natural parent's fundamental rights to his or her child, see *Troxel v Granville*, 530 US 57 (2000); (2) if a natural parent is found to have been unfit under the appropriate standard and his or her lack of fitness led to the child's established custodial environment with a third party, whether the parent's later fitness at the time he or she seeks custody is relevant to a proper fitness determination; (3) whether the lower courts here properly applied the Child Custody Act's presumption favoring the children's established custodial environment, MCL 722.27(1)(c), instead of the presumption in favor of natural parents, MCL 722.25(1), compare *Heltzel v Heltzel*, 248 Mich App 1 (2001); (4) whether the trial court's finding of parental unfitness here was against the great weight of the evidence; and (5) whether the trial court's determinations regarding the best interests of the children were against the great weight of the evidence.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 17, 2008

*Corbin R. Davis*

Clerk